

REMARKS/ARGUMENTS

The action by the Examiner of this application, together with the cited references, have been given careful consideration. Following such consideration, claims 1, 7, 8 and 12 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Moreover, claims 13-18 have been added. Claims 2-6 and 9-11 are unchanged by the present amendment paper. This amendment is presented according to "Revised Amendment Practice" (37 C.F.R. 1.121), effective July 30, 2003. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

The Examiner has rejected claims 1-7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has stated that it is unclear how the outer surface may be called "convex" and the inner surface may be called "concave" when both surfaces are curved in the same direction. It is respectfully submitted that the shape of the surfaces are defined not with respect to the seal, but with respect to the area surrounding the seal on the respective sides. Accordingly, it is respectfully requested that the Examiner now withdraw the 35 U.S.C. 112, second paragraph rejection.

The Examiner has rejected claims 1-12 under 35 U.S.C. 102(b), as being anticipated by U.S. Patent No. 3,325,042 to Brown.

With regard to claim 1, this claim now recites (in part):

"said base portion having an L-shaped corner at a first end of the base portion and a radiused corner at a second end of the base portion, said L-shaped corner being dimensioned to facilitate removal of said base portion from said first slot, and said radiused corner being dimensioned to facilitate installation of said base portion within said first slot."

The Brown reference discloses an inflatable seal for a door. The seal is provided with serrations along its back to provide a better connection between the seal and a groove formed within the door. In addition, the seal is comprised of a flange dimensioned to fit within

the groove. As shown in FIG. 2, inflatable seal 11 does not have a base portion having an L-shaped corner at a first end and a radiused corner at a second end dimensioned to be received within a first slot. Furthermore, inflatable seal 11 does not have a base portion having an L-shaped corner dimensioned to facilitate removal of the base portion from the first slot and inflatable seal 11 does not have a radiused corner dimensioned to facilitate installation of the base portion in the first slot.

In contrast, the seal member of the present invention includes a base portion having an L-shaped corner and a radiused corner. The L-shaped corner is dimensioned to facilitate removal of the base portion from a slot. The radiused corner is dimensioned to facilitate installation of the base portion within the slot. Therefore, it is respectfully submitted that claim 1 is patentable over U.S. Patent No. 3,325,042 to Brown

Claims 2-7 depend from claim 1. Thus, it is respectfully submitted that these claims are patentable over the Brown reference for at least the reasons set forth above in connection with claim 1.

Regarding amended claims 7 and 8 and new claims 13-18, they generally claim a finger extending from a first flexible side wall and biased towards a second slot formed within the first flexible side wall. Claim 7 has been amended to recite in part:

“a second slot formed in said first flexible side wall; and a finger extending from said first flexible side wall and biased toward said second slot and engagable with said lid to seal the first slot.”

New claim 8 has been amended to recite in part:

“installing said seal member in a first slot formed in said lid thereby engaging a finger portion extending from said seal member with said lid, wherein said finger portion is biased toward a second slot formed in said seal member.”

New claim 13 recites in part:

“...said first flexible side wall includes a second slot; and a finger extending from the first flexible side wall and biased toward said second slot and engagable with said lid to seal the first slot;”

As stated above, the Brown reference discloses an inflatable seal for a door. The seal is provided with serrations along its back to provide a better connection between the seal and a groove formed within the door. In addition, the seal is comprised of a flange dimensioned to fit within the groove.

The Brown reference does not show a finger extending from a side wall or a slot formed within the side wall. Furthermore, the Brown reference does not show a finger extending from a side wall being biased toward a slot formed within the side wall. Thus, it is respectfully submitted that claims 7, 8 and 13 are patentable over the U.S. Patent No. 3,325,042 to Brown. Because claims 14-18 depend from claim 13, it is respectfully submitted that they too are in condition for allowance.

The cited references made of record and not relied upon have also been reviewed. It is respectfully submitted that none of these additional references teaches or suggests the applicants' invention as defined by the present claims.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8632US.

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Respectfully submitted,



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I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 22, 2004



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